

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ALEX HIXON,
Plaintiff,

v.

No. 1:19-cv-00120-CLC-SKL

TENNESSEE VALLEY AUTHORITY
BOARD OF DIRECTORS,
Defendant.

TENNESSEE VALLEY AUTHORITY'S OBJECTIONS
TO PLAINTIFF'S WITNESS LIST

Pursuant to Federal Rule of Civil Procedure 26(a)(3)(B), the Federal Rules of Evidence, the Court's Scheduling Order (Doc. 18), and the Court's Amended Scheduling Order (Doc. 38), Defendant, Tennessee Valley Authority ("TVA"), asserts the following objections to Plaintiff's Exhibit List. (Doc. 56.)

OBJECTIONS AND RESERVATIONS

1. TVA objects to all exhibits that were not identified in Plaintiffs' initial and supplemental Fed. R. Civ. P. 26(a) disclosures and/or were not produced in response to TVA's interrogatories and document requests.
2. TVA objects to exhibits containing inadmissible hearsay.
3. TVA objects to exhibits that contain irrelevant and/or cumulative evidence.
4. TVA objects to exhibits for which Plaintiff have not designated the entire original document but have instead designated only a portion of the original or which are otherwise incomplete.
5. TVA objects to all exhibits not properly authenticated.
6. TVA objects to exhibits containing marginalia for which the author of the marginalia has not been identified and/or whose writing has not been authenticated.

7. TVA objects to all exhibits that are subject to TVA's Motion in Limine. (Doc. 63.)

8. TVA objects to the introduction of deposition transcripts that are subject to TVA's Objections to Plaintiff's Witness List. (Doc. 57.)

9. TVA objects to all exhibits that are subject to TVA's Motions to Exclude Dr. Wilton and Partially Exclude Dr. Sulak as Expert Witnesses. (Docs. 39 & 40.) The proposed exhibits are irrelevant and would waste of time, cause undue delay, confuse the issues, and mislead the jury. *See* Fed. R. Evid. 402-403.

10. TVA objects to all exhibits that contain or offer expert testimony or opinion by a lay witness.

11. TVA objects to all exhibits referencing or relating to documents and exhibits not admitted into evidence.

12. TVA objects to all exhibits provided to TVA after the discovery cut off in this action.

13. TVA objects to all exhibits which to not comport with Fed. R. Evid. 1002.

RESERVATIONS

14. TVA reserves the right to revise and or make additional objections based on the Court's rulings on the parties' pending motions. (Docs. 19, 29, 39, & 40.)

15. Pursuant to Fed. R. Civ. P. 26(a)(3)(B), TVA reserves the right to object any exhibit under Fed. R. Evid. 402 and 403.

16. TVA reserves all objections to the admissibility of exhibits to the full extent allowable under the Federal Rules of Evidence, the Federal Rules of Civil Procedure, and other applicable law.

OBJECTIONS

TVA asserts the following objections to Plaintiff's Exhibit List:

EXHIBIT NO.	EXHIBIT DESCRIPTION	BATES NO.	OBJECTION
1	Notification of FFD Results (1/21/14)	A0471-72	
2	Notice of Suspension (1/30/14)	A0468-70	
3	Termination Letter with Attach. 1 (6/2/14)	A0100-01	
4	Return to Work Letter (4/4/14)	A0467	
5	Deposition Transcript of Dr. Teliho		Objections 7 and 8
6	Performance Review (9/24/12 – 9/22/13)	A0073-78	Objections 2, 3, and 5
7	Performance Review (9/26/11 – 9/23/12)	A0068-72	Objections 2, 3, and 5
8	Performance Review (9/27/10 – 9/25/11)	A0062-67	Objections 2, 3, and 5
9	Performance Review (9/28/09 – 9/26/10)	A0057-61	Objections 2, 3, and 5
10	Performance Review (10/1/08 – 9/27/09)	A0049-56	Objections 2, 3, and 5
11	Decl. of Dr. Teliho	Doc. 19-3	Objections 2, 3, 7 and 8
12	Email from Clepper to Lowery (1/2/14)	TVA-Hixon 001417-18	Objections 1, 2, and 3
13	Email from Lowery to Walker (1/3/14)	TVA-Hixon 000988	Objections 1, 2, 3, 4, and 5
14	Emails b/w Lowery and Walker (1/6/14)	TVA-Hixon 001038-39	Objections 1, 2, 3, 4, and 5
15	EAP Summary from Moreno (3/5/14)	A0110-11	Objections 2, 3, 5, 7 and 10
16	Dr. Leigh Case Note (1/20/14)	A0113-15	
17	Dr. Leigh Case Note (2/13/14)	A0112	
18	Dr. Leigh Case Note (3/25/14)	A0481	
19	Dr. Leigh Case Note (3/28/14)	A0478	

EXHIBIT NO.	EXHIBIT DESCRIPTION	BATES NO.	OBJECTION
20	Dr. Leigh Case Note re Dr. Adams (4/1/14)	A0477	
21	Dr. Leigh Case Note (4/3/14)	A0475	
22	Faxed Medical Records from Dr. Teliho (2/7/14)	A0596	Objections 1, 2, 3, 4, 5, and 7
23	Faxed letter from Dr. Teliho (4/3/14)	A0545-46	
24	Faxed Letter from Dr. C. Adams (1/13/14)	A0601	Objections 1, 2, 3, and 7
25	Faxed Letter from Dr. C. Adams (1/15/14)	A0600	Objections 1, 2, 3, and 7
26	Emails b/w Cofer and Clepper w/ attachment (3/25/14)	A0479-80	Objections 2 and 3
27	ElSohly Analysis of Specimen (1/23/14)	A0117	Objection 4
28	Fax from Dr. Adams to Dr. Strickler re: Marinol Rx	A0118	
29	Request for Medial Evaluation signed by Dr. Adams (1/6/14)	A0134	
30	Typed Notes from Dr. S. Adams (1/6/14)	A0136-38	
31	Handwritten Medication List	A0139	
32	Medical Eval. Letter w/ Job Description (1/3/14)	A0140-41	
33	Request for Medical Eval. Signed by Dr. Adams (3/14/14)	A0142	
34	Handwritten Notes from Dr. Adams (3/14/14)	A0144	
35	Letter from Dr. S. Adams to Dr. C. Adams (3/14/14)	A0145	
36	Letter from Dr. S. Adams to Hixon (3/18/14)	A0146	
37	Email from Clepper to Shahan w/ attachment (5/16/14)	TVA-Hixon 001603-05	Objection 1, 2, 3, 4, and 5

EXHIBIT NO.	EXHIBIT DESCRIPTION	BATES NO.	OBJECTION
38	Email Exchange Involving Clepper and Cofer re: reporting medications	TVA-Hixon 001621-22	Objections 1, 2, 3, and 5
39	Email from Clepper to Wright and Sowter with Attachments (4/1/14)	TVA-Hixon 001363-65	Objections 1, 2, 3, 4, and 5
40	Email Exchange b/w Clepper and Sahan (5/28/14)	TVA-Hixon 001563-64	Objections 1, 2, 3, and 5
41	Email from Walls to Cofer (6/2/14)	TVA-Hixon 001619	Objections 1, 2, 3, 4, and 5
42	Safety Concern from MRO (1/2/14)	TVA-Hixon 000986	
43	Results of Controlled Substance Test (5/19/14)	TVA-Hixon 000970	Objection 3, 5, and 7
44	Email from Clepper to Shahan (4/16/14)	TVA-Hixon 001289	Objections 1, 2, 3, 4, and 5
45	Email from Clepper to Walls (6/14/14)	TVA-Hixon 001594	Objections 1, 2, 3, 4, 5, and 11
46	Email Exchange b/w Cofer and Shahan re: EEO Complaint	TVA-Hixon 003025	Objections 1, 2, 3, 5 and 11
47	Email with Cofer, Ortiz and Shahan re: EEO Complaint	TVA-Hixon 003015-20	Objections 1, 2, 3, 4, 5 and 11
48	Email b/w Cofer and Ortiz with Attachment	TVA-Hixon 003202-04	Objections 1, 2, 3, 4, 5
49	Email b/w Ortiz and Cofer (1/21/14)	TVA-Hixon 003021	Objections, 1, 2, 3, 4, and 5
50	Cofer Sworn Statement to EEO Investigator (1/12/15)	ROI 187-196	Objections 2, 3, and 5
51	2013 IRS Form W-2 from TVA	Hixon 0147	Objection 5
52	Earnings & Deductions Summary (12/30/13)	TVA-Hixon 000523	
53	2014 TVA Payroll Records	TVA-Hixon 000524-35	
54	2014 IRS Form 1040	Hixon 0051-54	Objections 4 and 5

EXHIBIT NO.	EXHIBIT DESCRIPTION	BATES NO.	OBJECTION
55	2014 1099-Misc from Christopher Paty	Hixon 0064	Objection 5
56	2016 IRS Form 1040	Hixon 0069-72	Objections 4 and 5
57	2016 1099-Misc from David Guess	Hixon 0156	Objection 5, 12, and 13
58	2017 IRS Form 1040	Hixon 0094-97	Objections 4 and 5
59	2018 IRS Form 1040	Hixon 120-24	Objections 4 and 5
60	2019 IRS Form 1040	Hixon 0157-60	Objections 4, 5, and 12
61	Attendance Record (7/1/13-7/2/14)	TVA-Hixon 000536-45	Objection 3
62	Expert Report of Dr. Sulak		Objections 7 and 9
63	Expert Report of Dr. Wilton		Objections 7 and 9
64	Transcript of Deposition of Clepper		Objections 7 and 8
65	Transcript of Deposition of Cofer		Objections 7 and 8
66	Transcript of Deposition of Dr. S. Adams		Objections 7 and 8

Respectfully submitted,

s/Mark A. Mohr

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CERTIFICATE OF SERVICE

I certify that the foregoing document was filed electronically through the Court's ECF system on the date shown in the document's ECF footer. Notice of this filing will be sent by operation of the Court's ECF system to all parties as indicated on the electronic filing receipt. Parties may access this filing through the Court's ECF system.

s/Mark A. Mohr
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